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Candace Havens  
Director

## MEMORANDUM

**DATE:** June 6, 2014

**TO:** Alderman Marcia T. Johnson, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Candace Havens, Director of Planning and Development   
James Freas, Chief Planner, Long-Range Planning

**RE:** #80-13: THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project.

**MEETING DATE:** June 9, 2014

**CC:** Board of Aldermen  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

One of the primary objectives of Phase 1 of Zoning Reform is to address the conflicting provisions in the existing Newton Zoning Ordinance. A number of these are presented below with the applicable section numbers in the old and new Zoning Ordinances and staff recommendations for resolution.

	Issue	Old Z.O. Citations	Recommendation
1	Side setback requirements in business districts	30-15, Table 3	Greatest restriction provided where abutting a residential district, otherwise use setbacks provided in the table.
2	Rear setback requirements in business districts	30-15, Table 3	Greatest restriction provided where abutting a residential district, otherwise use setbacks provided in the table.
3	Home Businesses in Multi-Residential Districts	30-9 and 30-8	Allow home businesses by right in MR districts subject to listed standards.
4	Swimming Pools & Tennis Courts; Open Space or Structures	30-1, <i>Space, Useable Open &amp;</i>	Remove Swimming Pools and Tennis Courts from the Open Space

		<i>Structure</i>	definition.
5	Number of parking stalls allowed in the side setback in Single Residence Districts	30-19(d)(1) & 30-19(g)(1)	Allow 2 tandem parking spaces within the side setback.
6	View obstruction traffic hazard	30-15(g) & 5-30(f)(7)	Change Chief of Police to City Traffic Engineer

#### Issues #1 & 2

The system of numbers provided within this table, modified by the footnotes provided below it, is confusing and directly contradictory. For example, for a building located in the Business 1 District abutting a property in a non residential district, the rear setback is either '0 feet' or "1/2 the building height or 20 feet, whichever is greater." If that property were to abut a Public Use district, a third option of "1/2 the building height or 15 feet, whichever is greater" is introduced. Where a commercial property is next to a residential district staff recommends using the greater restriction provided for in the footnotes. Otherwise, staff recommends using the setbacks provided in the table.

#### Issue #3

Section 30-9(a)(1) allows all by-right uses in the Single Residence Districts (Sec 30-8) as by-right uses in the Multi-Residence Districts. Home businesses are allowed by right in the Single Residence Districts according to 30-8(a)(4), subject to standards. Section 30-9(b)(6) indicates that a special permit is required for home businesses in Multi-Residence Districts. Staff recommends that home businesses be allowed by right in the Multi-Residence Districts subject to the listed standards.

#### Issue #4

Tennis Courts and Swimming Pools cannot be both structures and open space as one is subject to setbacks and the other is not. Note, this item is the subject (partially) of docket item #216-12.

#### Issue #5

Section 30-19(g) allows one parking space on a single- or two-family lot to be located within a setback while section 30-19(d) allows two parking spaces on such lots to be located within the side setback in tandem. Staff recommends the two sections be reconciled to allow two tandem parking spaces within the side yard setback.

#### Issue#6

The City Fence Ordinance in section 5-30 empowers the City Traffic Engineer to determine whether a fence obstructs the view at intersections and, therefore, constitutes a traffic hazard. The Zoning Ordinance gives the same authority to the Chief of Police, more broadly applying it to any obstruction within the setback. For consistency, one City position should have the authority to mitigate traffic hazards by maintaining adequate views. Staff recommends the City Traffic Engineer be charged with the authority to make these determinations.